

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

**ORDER GRANTING COUNTERDEFENDANT BLUE SPIKE, INC.'S MOTION
TO DISMISS SHAZAM ENTERTAINMENT LTD.'S COUNTERCLAIMS**

On this day came for consideration Counterdefendant Blue Spike, Inc.'s ("Counterdefendant's") Motion to Dismiss Defendant Shazam Entertainment Ltd.'s ("Defendant's") Counterclaims in the above-captioned proceeding pursuant to Federal Rules of Civil Procedure 12(b)(6). Having considered both Counterdefendant's motion and supporting papers, and Defendant's opposition and supporting papers, the Court is of the opinion that said motion should be GRANTED.

Defendant Shazam fails to adequately plead all elements of a Lanham Act claim, and most of the statements Defendant identifies are not actionable under 15 U.S.C. §1125(a).

IT IS HEREBY ORDERED that Counterdefendant Blue Spike Inc.'s Motion to Dismiss is hereby granted pursuant to Federal Rules of Civil Procedure 12(b)(6).

IT IS SO ORDERED.